THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4059 of 2007

Dated:01.03.2007

Between:

P. Ramesh.

...PETITIONER

and

The District Level Committee for Sand Auctions, rep.by its Member Convenor, Guntur and another.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4059 of 2007

ORDER:

The petitioner was a lessee for quarrying sand for one year from 07.06.2001 to 06.06.2002 in respect of reach No.2 of Prathuru Village, Tadepalli Mandal, Guntur District. For a period of twenty-six days from 23.04.2002 to 18.05.2002, he was allegedly asked to stop quarrying by the authorities. Therefore, he filed W.P.No.19890 of 2005 seeking refund of proportionate lease amount for the stoppage period. This Court disposed of said writ petition on 16.09.2005 observing as under.

> Learned Counsel for the petitioner does not dispute that either in Rules 9B to 9X of A.P.Minor Mineral Concession Rules, 1966 (the Rules, for brevity) or in the lease agreement, no right is conferred on the lessee to clam refund of the bid amount in the event of such lessee being prevented from quarrying the sand. However the learned Counsel for the petitioner submits that under Rule 9B(2)(b) of the Rules, the District Level Committee is conferred with the power to decide any matter arising during the course of implementation of the Rules and therefore, it was incumbent on the part of the District Level Committee to dispose of the representation. This legal position is not disputed by the learned Assistant Government Pleader for Panchayat Raj.

The petitioner again filed instant writ petition alleging that the respondents did not pass any orders on the representations made by him on the ground that the subject of sand auction has been transferred to the Department of Industries and also on the ground that the Chairman of the District Level Committee is different.

After hearing the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology, and perusing the order passed by this Court earlier, this Court is convinced that the petitioner has no right to maintain writ petitions repeatedly for similar relief. This Court, in the order dated 16.09.2005 passed in W.P.No.19890 of 2005, while observing that there is no such provision under the Andhra Pradesh Minor Mineral Concession Rules, 1966, only made an observation to dispose of the representation. Merely because the representation is kept pending, it does not give any right to the petitioner to file another writ petition.

Therefore, the writ petition is dismissed. No costs.

(V.V.S.RAO, J)

01st March, 2007
ghn